

**NO. 13-20-00143-CV**

**IN THE COURT OF APPEALS**  
**THIRTEENTH DISTRICT OF TEXAS**  
**CORPUS CHRISTI, TEXAS**

FILED IN  
13th COURT OF APPEALS  
CORPUS CHRISTI/EDINBURG, TEXAS  
9/2/2020 2:48:23 PM  
KATHY S. MILLS  
Clerk

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**DIANA GARZA, Appellant**  
**v.**  
**JOSE OCHOA, Appellee**

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**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE  
REPLY BRIEF**

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**TO THE HONORABLE COURT OF APPEALS:**

NOW COMES Diana Garza, Appellant, and pursuant to Texas Rules of Appellate Procedure 10.5(b) and 38.6(d), files this Unopposed Motion to extend the time to file her Appellants' Reply Brief herein. This is Appellant's first request for extension of time to file her Reply Brief.

**I.**

Appellants' Reply Brief is currently due on September 14, 2020.

**II.**

Despite counsel's diligent efforts to complete briefing in this case, Appellant now seeks a 20-day extension of time within which to file her Reply Brief, which

would make the Brief due on October 4, 2020.

### III.

Appellant relies on the following facts as a reasonable explanation for the requested extension of time. Appellant's counsel, in addition to other matters and to preparing an Appellant's Reply Brief in this case, has also had to devote time to the following additional matters:

A. The undersigned is counsel for the defendant in *Kupke v. Yoder*, Cause No. CV-2020-00861-JP pending in the County Court at Law No. 2 of Dallas County, Texas. The undersigned has been diligently preparing for an all-day mediation that took place on August 24, 2020.

B. The undersigned is counsel for the plaintiff in *Ukpong v. City of Arlington* in Cause No. 48-315819-20 pending in the 48th District Court of Tarrant County and had to prepare for and attend the deposition of a key witness for the opposing party on August 19, 2020. The undersigned is also preparing to respond to a plea to the jurisdiction which is expected to be filed.

C. The undersigned is counsel for the plaintiff in *Roberson v. Weimaraner Rescue of Texas, Inc.*, Cause No. CC-20-03294-E pending in the County Court at Law No. 5 of Dallas County, Texas. The undersigned has been diligently preparing discovery responses to lengthy written discovery which are due on September 8,

2020.

D. The undersigned is a solo practitioner with no support staff or associate attorneys to whom any of the above-listed tasks or any work on the Appellants' Reply Brief herein may be delegated.

E. Due to the current COVID-19 crisis, the undersigned has been forced to work from home for three months. This has seriously impacted the efficiency with which this 66-year-old lawyer can work on appellate briefs and pretrial matters. The Texas Supreme Court has repeatedly ordered that motions for extension of time should be "generously granted" during this time.

#### IV.

The undersigned has conferred with opposing counsel, who does not oppose this request. Therefore, it is presented as an Unopposed Motion.

WHEREFORE, Appellant respectfully prays that this Court grant this Motion for Extension of Time.

Respectfully submitted,

/s/ Randall E. Turner

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ATTORNEY FOR APPELLANT

## CERTIFICATE OF CONFERENCE

Randall E. Turner, lead counsel for Appellant herein, states that he has conferred with Counsel for Appellee, Ms. Sandra Sterba-Boatwright, concerning the merits of the foregoing Motion for Extension of Time to File Brief. Ms. Sterba-Boatwright has stated that she is not opposed to the 20-day extension of time requested herein.

/s/ Randall E. Turner  
Randall E. Turner

## CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing Agreed Motion for Extension of Time to File Appellant's Brief was served upon Jose Ochoa, by serving his attorney, Sterba-Boatwright, in accordance with the Texas Rules of Appellate Procedure, this 2nd day of September, 2020, by e-service through the e-File Texas service.

Ms. Sandra Sterba-Boatwright  
P.O. Box 2624  
Corpus Christi, Texas 78403  
(361) 888-5551

/s/ Randall E. Turner

### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

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